

REMARKS

The foregoing amendments to the Claims and these Remarks are responsive to the Office Action mailed June 17, 2005. In that Office Action, the Examiner set forth a restriction requirement and required election of one of the following groups under 35 U.S.C. § 121:

Group I: Claims 1, 8, 9, 12, and 13, drawn to a human insulin-producing cell isolated from human bone marrow;

Group II: Claims 2-7, 10, 11, 14, and 15, drawn to a cell that expresses glucagon, insulin, mRNAs encoding insulin, Pdx-1 and NeuroD and that is obtained from human bone marrow by culturing;

Group III: Claims 16-19, drawn to a host animal with introduced insulin producing cell(s);

Group IV: Claims 20-23, drawn to a method of isolating and culturing cells that expresses glucagon, insulin, mRNAs encoding insulin, Pdx-1 and NeuroD and that is obtained from human bone marrow; and

Group V: Claim 24, drawn to a method of reducing hyperglycemia by transplanting pancreatic marker expressing cells differentiated from human bone marrow.

In response, Applicant has elected Group I, claims 1, 8, 9, 12, and 13, drawn to a human insulin-producing cell isolated from human bone marrow, without prejudice as to Applicant's ability to pursue these claims in a divisional application. This election is made without traverse.

Applicant respectfully requests removal of the restriction requirement and allowance of claims 1, 8, 9, 12, and 13. The Examiner is invited to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance.

No fees are believed due with the filing of this Amendment; however, the Commissioner for Patents is hereby authorized to charge any deficiency in any fees due with the filing of this

paper or during the prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

AKERMAN SENTERFITT

Neil R. Jetter, Reg. No. 46,803
Nicholas A. Zachariades, Reg. No. 56,712
P.O. Box 3188
West Palm Beach, FL 33402-3188
Tel: 561-653-5000

Date: July 15, 2005